

**City of Somerville  
Licensing Commission**

**SPECIAL Meeting by Remote Participation**

**Thursday  
March 18, 2021  
5:00pm**

**Published March 16, 2021, at 4:15pm**

**DRAFT OF THE  
Minutes of the Regular Meeting  
Monday, March 18, 2021**

**Posted Monday, May 17, 2021 at 9:00am**

*The meeting was called to order at 5:00pm. Present were Commissioners, Lynch, Allen and Lindgren, Secretary to the Commission Lori Batzek, City Clerk, John Long, Economic Development Director Thomas Galligani, Members of the City Staff, Sgt., Chaille a member of the Police Dept. (joined the meeting in progress), Applicants and members of the public.*

*The meeting adjourned at 6:24pm*

*A recording of this meeting is available online*

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Licensing Commission will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/2140761647584546315>.

If you wish to submit comments on any item on this agenda, you may send written comments by US mail to the Secretary of the Licensing Commission, 93 Highland Avenue, Somerville, MA, 02143, or by email to [ljbatzek@somervillema.gov](mailto:ljbatzek@somervillema.gov). Your comments must arrive no later than 12 Noon on the day of the meeting, in order to be sure they are conveyed to the Commission.

**COMMUNICATIONS**

**CONTINUED FROM MARCH 15, 2021**

1. Thomas F. Galligani, Jr., Director of Economic Development, regarding the Somerville Covid-19 Outdoor Performance Policy:
  - On March 11, 2020, the City temporarily cancelled all City-sponsored and permitted events to mitigate the spread of COVID-19. On May 15, the cancellations were extended through the end of the 2020 calendar year. Since May, new research about COVID-19 transmission has been published that expands our understanding of risk factors, including 1) COVID-19 transmission occurs significantly less in outdoor, open-air settings compared to indoor settings and 2) community mask usage is an effective strategy for reducing transmission.
  - The artist community, small business owners, venue operators, and other stakeholders have convened over multiple working sessions to develop a plan for safely resuming outdoor activities. Safe, socially distanced outdoor events can create multiple benefits for the city, including providing residents with safer alternatives for addressing pandemic fatigue and supporting Somerville artists and small businesses. This plan seeks to maximize these benefits while addressing risks in COVID-19 transmission by limiting activities with aerosol projection, and providing guidelines for crowd size, social distancing, and event duration.
  - At this time, the City proposes the first step in the plan to include the reintroduction of limited events within our public and privately-owned spaces.

Activity Type	Risk Level
Level 1 Performance. Arts performances with no or almost no vocal projection/ aerosol emission e.g. dance, circus, mime, instrumental musicians (excluding brass and wind)	Level 1 performances are the lowest risk since there will be very little vocal projection from the performers and audience. These performances should be the first allowed.

All activities will be required to follow City and state health and safety guidelines, existing permitting procedures, and in addition, complete a hazard and safety plan (HASP). Performers and event organizers/ operators are responsible for ensuring compliance with mask wearing, social distancing guidelines, event duration, and other elements of the HASP plan.

### **General Requirements**

1. Face Coverings
  - Performers must wear a mask at all times. Exceptions may be granted for specific performance types (e.g. brass and wind instrumentalists).
  - Audience members and participants must wear a mask at all times.
  - Performers and event organizers/ operators must ensure compliance with mask wearing.
2. Social Distancing
  - Performers must maintain a distance of at least 6' from the nearest audience member. If there is more than one performer, performers must maintain a 6' social distance from each other.
  - Performers and event organizers/ operators must ensure

- compliance with social distancing.
3. **Crowd Size**
    - Crowd size cannot exceed the City's guidelines for outdoor events and/or venue capacity, whichever is lower.
    - Performers and event organizers/ operators must have a system for monitoring crowd size and ensuring compliance with event size limitations.

## **Licensing**

1. **Performances and Community Markets on Public Property:** All performances will be required to submit a HASP and must follow existing licensing procedures.
  - Parks: apply to the Parks and Rec department for a performance in a park through [somervillerec.com](http://somervillerec.com)
  - Non-parks: apply for a public event license (if needed) through Citizenserve
2. **Adjustment to an Entertainment License:** Organizations and businesses that are looking to add outdoor performances to their premises should apply for an amendment to their existing license in Citizenserve. In addition, businesses must submit a HASP.

*Economic Development Director Thomas Galligani spoke on this Communication. Chairman Lynch has stated he reached out to the Licensing Commissions Chairs in the City of Medford, Boston and Cambridge to gather information on this matter.*

*City Clerk, John Long stated that any form of Entertainment Licenses requires a public hearing before issuing an entertainment license, per city ordinance.*

*Jen Atwood, Director of East Somerville Main Streets – spoke in support of entertainment, and mentioned Carnival which usually occurs in June. She feels this is much needed and is important to businesses.*

*Ken Field, Rep. the Honk Festival - spoke in support of opening up live entertainment.*

*Jessica Eshelman, Executive Director of Union Square Main Streets - spoke in support outdoor entertainment for the 200 businesses in Union Sq. and how covid has impacted those businesses.*

*Zack Baum, Bow Market Entertainment - spoke in support of outdoor entertainment, and feels non amplified music is not fair.*

*Greg Jenkins, Somerville Arts Council - spoke in support of amplified music and feels there are already adequate procedures in place.*

*Commissioner Allen stated at the last meeting he was amenable to approving non amplified music and willing to hash out the details for amplified music. He also stated there is already a process in place to mitigate any potential noise concerns. A discussion was held on how noise complaints would be handled by an abutter. Commissioner Allen suggested the abutter could put in a complaint with the establishment, and if that proved unsatisfactory to proceed with the Licensing Commission and/or the Police Dept. to enforce the noise ordinance. Chairman Lynch stated the Police Dept. would need to know the rules and regulations of the licensing commission for amplified or non-amplified music in order for enforcement purposes. He also stated the SPD is the enforcement regulator of the noise ordinance and questioned if they have personnel available for enforcement to take place, and confirmed that yes, they do, with the Police Dept. Commissioner Lindgren expressed concern about the distance requirement for smaller venues, and that this may reduce seating capacity. Chairman Lynch stated this was part of the research he conducted and the distance requirement is for large venues like Gillette Stadium, not for restaurants. The Law Dept. apprised Chairman Lynch that as*

*long as restaurants follow the Somerville Covid rules, a 6 feet distance requirement between patron and performer, this is permissible. A new Hasp would need to be submitted. Entertainment by Performers indoors is currently not allowed. Commission Allen would like to ensure that any noise violations be reported to the commission by the police dept., whether by residents or other restaurants in the same area. Chairman Lynch stated he would like these businesses to self-regulate to not burden the SPD.*

*Sam Epstein, The Jungle Club submitted a written email supporting outdoor amplified music and stated Somerville trusted operators of every other activity to enforce capacity and distance rules when they reopened, so too can Somerville trust musicians and operators who work with them to enforce the same rules. Chairman Lynch stated this is a very succinct and powerful statement that we are moving ahead with reopening Somerville. We are still in the middle of a pandemic, and this is a first step.*

*City Clerk, John Long prepared the following motion:*

*Motion for Temporary Outdoor Performances in Public or Private Temporary Outdoor Seating Areas:*

*Effective Monday, March 22, each properly licensed Restaurant and Common Victualer may apply to the Licensing Commission to amend its license for the purpose of adding Entertainment by Performers to its Public or Private Temporary Outdoor Seating. If the applicant is adjusting the pre-approved outdoor seating plan, its application must include an updated HASP Plan and Seating Layout Plan showing the location of the performer(s).*

*Pursuant to city ordinance, each application will be considered by the Licensing Commission after a public hearing is held to allow public input. The Licensing Commission will meet in special session on Monday, April 26, 2021, to consider each application that has been submitted in full by Thursday, April 8. Thereafter, the Commission expects to consider applications during its regular meetings, with all regular deadlines in effect.*

*The Licensing Commission will only consider applications for outdoor performances including, but not limited to, music, dance and circus, and as long as they meet the following conditions:*

- 1. Performers must NOT emit vocal projections or aerosol emissions: Singing is NOT allowed under the Governor's Order. Brass and Wind instruments are NOT allowed.*
- 2. All performers must wear a mask at all times and maintain a distance of at least 6 feet from each other and from the audience.*
- 3. All audience members must be customers of the licensee, must be seated in the outdoor seating area, and must NOT stand, dance, or participate in the performance.*
- 4. Performances must end at 10:00 PM.*

*All other State and local regulations with respect to the Covid-19 pandemic remain in place. These rules are subject to change.*

*A discussion was held and input received on this matter, and the motion was adjusted to reflect the final changes made, as stated above.*

*Sgt. Chaille stated within the last couple of weeks, a couple of minor violations have come in and verbal warnings have been issued. There hasn't been much of an issue during the pandemic due to the limited capacity of the restaurants. With the weather becoming increasingly better, they have received a couple of noise complaints. The Police Dept. will be adding additional units and adjusting hours to help with any noise complaints received. SPD, Economic Development and several City Councilors are comfortable with this outdoor entertainment policy.*

*Chairman Lynch wants it to be clearly understood, to the restaurateurs, that a verbal warning can be issued if complaints continue and the commission also has the authority to suspend licenses for any*

*continuing problems.*

*Director Galligani expressed his support of a cover charge and this feels this is fair for small venues to pay performers. Commissioner Lindgren stated there may be a concern of patrons staying beyond the 90 Minute time limit. Chairman Lynch stated this will be part of the condition of the issued license.*

*Chairman Lynch asked what days of the week this should be limited to. Director Galligani suggested 7 days a week. Chairman Lynch then asked about hours of operation. He stated that the cutoff time for Entertainment in the city is 10:00pm, whether it was pre covid, post covid indoor entertainment and we did not have outdoor entertainment. The beginning time of entertainment would be determined on a case by case basis.*

*The Commission approved this motion*